

Rebecca Keaton

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IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

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Rebecca Keaton
Clerk of Superior Court Cobb County

STATE OF GEORGIA
V.
JUSTIN ROSS HARRIS

*
* Indictment # 14-9-3124
*

DEFENDANT'S MOTION # 4 –
AMENDED CONSOLIDATED MOTION TO SUPPRESS

COMES NOW Defendant in the above-styled case to request the Court to suppress and exclude from presentation in evidence to the jury any and all items of evidence which have been seized from Defendant, or his possession and/or control as a result of illegal search and seizure in violation of Defendant's rights pursuant to the Official Code of Georgia, the Georgia State Constitution and the Forth, Sixth and Fourteenth Amendments to the United States Constitution. Mapp v. Ohio, 393 U.S. 1 (1968); O.C.G.A. § 17-5-30..

Specifically, Defendant was subjected to a search of and seizure from his person by the Cobb County Police Department, as well as being subjected to a search of his property by Cobb County Police Department and possibly other law enforcement agencies, including but not limited to, electronic devices belonging to and/or within the custody and control of Defendant. These searches and seizures were executed upon Defendant's residence, office, computers, cell phones, digital recording devices, and other electronic devices; either without a warrant or pursuant to search warrants 14-SW-0596, 14-SW-0597, 14-SW--0598, 14-SW-0599, 14-SW-0605, 14-SW-0606, 14-SW-0607, 14-SW-0608, 14-SW-0609, 14-SW-0610, 14-SW-0611, 14-SW-0633, 14-SW-0634, 14-SW-0635, 14-SW-0636, 14-SW-0637, 14-SW-0638, 14-SW-0639, 14-SW-0640, 14-SW-0641, 14-SW-0653, 14-SW-0654, 14-SW-0655, 14-SW-0656, 14-SW-0657, 14-SW-0658, 14-SW-0659, 14-SW-0660, 14-SW-0816, 14-SW-0844, 15-SW-0040, 15-SW-0081, and 15-SW-1072 .

Defendant seeks to suppress this evidence and any other evidence derived therefrom on the following grounds:

- 1) That searches and seizures were made without a warrant and were illegal;

- 2) That searches and seizures with a warrant were illegal because the warrants are insufficient on their face;
- 3) That searches and seizures with a warrant were illegal because there was not probable cause for the issuance of the warrants;
- 4) That searches and seizures with a warrant were illegal because probable cause, if any, was based upon material misrepresentations/omissions to the magistrate;
- 5) The searches and seizures with a warrant were illegal because the warrants were illegally or improperly executed; and
- 6) That searches and seizures with a warrant failed to comply with each and every requirement of O.C.G.A. §§ 17-5-20 through 17-5-25.

Defendant seeks to suppress this evidence and any other evidence derived therefrom on the following specific grounds:

Search without a warrant

Prior to his arrest, Defendant had an AT&T iPhone 5 cellphone in his possession, which was seized from his person by a Cobb County Police Officer without consent, without obtaining a search warrant, and without exigency. Subsequently, his cellphone was searched prior to the obtaining of a search warrant. All searching of Defendant's cell phone without securing a search warrant is a clear violation of Defendant's Fourth Amendment rights and related statutory and constitutional protections. Riley v. California, 573 U.S. ___, 134 S. Ct. 2473 (2014).

Due to this violation of his constitutional protections, Defendant prays that the Court suppress any and all evidence observed and obtained as a result of the illegal search of his AT&T iPhone cellphone. Further, as this illegal search forms the basis for further search warrants sought and granted to Cobb County Police Department, Defendant prays that all evidence obtained from the AT&T iPhone cellphone is to be suppressed and excluded as fruit of the poisonous tree.

Searches with a warrant

There were affidavits prepared and provided for thirty-three (33) separate search warrants obtained in this case. Most if not all of these affidavits provide a background of the events leading up to the arrest of Defendant, but they fail to provide any attempt to show connection of the investigation to what is sought to be searched. As the investigation continued, additional facts and characterizations were added to subsequent applications, but there remained a lack of showing sufficient, if any, connection, of the investigation to the items sought to be searched.

Some of the information provided to the magistrate was materially misleading and interfered with the magistrate's ability to review the application in a fair, detached manner. Further, the applications fail to provide the foundational requirements of a search warrant : (a) any probable cause to believe that evidence of the crime being investigated even exists, and (b) any probable cause to believe that any evidence of the crime being investigated would be found at the particular location being searched. Rather, the search warrants sought were nothing more than a "fishing expedition" which hoped to find some evidence to support the charge taken against Defendant or even provide evidence of wholly, unrelated charges. This fact is specifically admitted within oral testimony provided to the magistrate on some occasions.

Finally, even assuming some probable cause existed within any of the applications, the actual search warrants issued failed to specify the location to be searched and/or the law enforcement's execution of the search warrants exceeded the scope for which the warrants were issued, particularly as it relates to searching of the electronic devices.

Further factual grounds pertaining to specific warrants are set forth below:

14-SW-0596

The application for this warrant seeks to search Defendant's residence for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and cruelty to children in the first degree. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. A third paragraph consists solely of information provided by Defendant to police wherein he

explains that he forgot to drop his child at day care. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to show evidence or explain a belief that either a homicide or a first-degree child cruelty has occurred.

There is absolutely no attempt to provide any probable cause to believe that any further evidence exists to support either charge being investigated. Oral testimony admits that law enforcement is merely searching for evidence of child neglect or abuse.

There is absolutely no attempt to provide any probable cause to show that there would be any of the evidence being sought at the residence of Defendant.

14-SW-0597

The application for this warrant seeks to search Defendant's residence for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and cruelty to children in the first degree, "to include a laptop computer, computer tower, Google chrome cast internet searcher and other electronic devises" [sic]. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to show evidence or explain a belief that either a homicide or a first-degree child cruelty has occurred.

There is absolutely no attempt to provide any probable cause to believe that any further evidence exists to support either charge being investigated. Oral testimony admits that law enforcement wanted to look through these electronic devices to see *if* it could *confirm* Defendant's statements.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would be within the residence to be searched.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the devices to be searched.

The search warrant issued authorizes only entry into the residence to search for the specified devices but does not authorize any entry into or searching of any electronic devices themselves.

14-SW-0598

The application for this warrant seeks to search Defendant's vehicle for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and cruelty to children (no specific degree), to include biological evidence, trace evidence, photos, measurements and documents; along with cellphones, computers, electronic communication devices and any electronic data storage devices. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any further evidence exists to support either charge being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the devices sought to be searched.

The search warrant issued authorizes only entry into the vehicle to search for the specified devices but does not authorize any entry into or searching of any electronic devices themselves.

14-SW-0599

The application for this warrant seeks to search Defendant's AT&T iPhone 5 by forensic examination for evidence "designed for use in," "intended for use in," that "has

been used in,” or is “tangible evidence of the commission of the crime(s)” of only first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charge of first-degree child cruelty. Oral testimony admits that law enforcement has no specific basis for probable cause, but rather they “hope to locate text messages, phone calls, to show what kind of day he had” and to “basically pull all the information off the phone.”

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant which interfered with the magistrate’s ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the phone could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0605

The application for this warrant seeks to search a Dell Dimension 9200 Computer Tower seized from Defendant’s residence for forensic examination for evidence “designed for use in,” “intended for use in,” that “has been used in,” or is “tangible evidence of the commission of the crime(s)” of murder and first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. The fifth paragraph sets out statements made by Leanna Harris, the child’s mother. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges being investigated. Oral testimony admits that law enforcement has no specific basis for probable cause. When asked by magistrate how this device might contain information of alleged computer searches regarding child deaths in vehicle, Det. Murphy responds that he does not know what specifically they can get off of it; they just want to take all the information and dump it and look through it all.”

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate’s ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the computer could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0606

The application for this warrant seeks to search a Google Chromecast device seized from Defendant’s residence for forensic examination for evidence “designed for use in,” “intended for use in,” that “has been used in,” or is “tangible evidence of the commission of the crime(s)” of murder and first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. The fifth paragraph sets out statements made by Leanna Harris, the child’s mother. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges being investigated. Oral testimony admits that law enforcement has no specific basis for probable cause. When asked by the magistrate what this device was, Det. Murphy responded, “I’m not positive what it is, what exactly it does,” and guesses that it is some kind of internet search device.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0607

The application for this warrant seeks to search a Macbook Pro Laptop seized from Defendant's residence for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. The fifth paragraph sets out statements made by Leanna Harris, the child's mother. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device. Oral testimony provided by Det. Murphy indicated that they wished to search the device to determine if any research done into child deaths due to being left inside a vehicle, and just information related to that.

14-SW-0608

The application for this warrant seeks to search Lenovo a T530 Thinkpad seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. The fifth paragraph sets out statements made by Leanna Harris, the child's mother. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges being investigated. Oral testimony admits that law enforcement has no specific basis for probable cause. When asked by magistrate what the purpose of searching this device was, Det. Murphy responded that they wanted to examine documentation and search engine information regarding comments made by Defendant and his wife about researching child deaths in vehicles, and any research related to that.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0609

The application for this warrant seeks to search Apple MacBook Pro seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission

of the crime(s)" of murder and first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. The fifth paragraph sets out statements made by Leanna Harris, the child's mother. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges being investigated

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device. Oral testimony by Det. Murphy stated only that the purpose of this search was related to statements that Defendant and his wife had made regarding internet searches on child deaths in vehicles and related searches. Nevertheless, the search warrant did not restrict searches to that extent.

14-SW-0610

The application for this warrant seeks to search Apple iPad seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. The fifth paragraph sets out statements made by Leanna Harris, the child's mother. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges being investigated

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0611

The application for this warrant seeks to search Apple iPhone seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and first-degree cruelty to children. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third and fourth paragraphs consists solely of information provided by Defendant to police wherein he explains that he forgot to drop his child at day care. The fifth paragraph sets out statements made by Leanna Harris, the child's mother. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges being investigated. Oral testimony admits that law enforcement has no specific basis for probable cause. When asked by the magistrate the reason for searching this device, Det. Murphy stated that they wanted to see *if* any internet search was done on this device or any other search engine.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0633

The application for this warrant seeks to search Dell Dimension 9200 Computer Tower seized from Defendant's residence for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and *second*-degree cruelty to children, specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated. Oral testimony admits that law enforcement has no specific basis for probable cause, as Det. Murphy provides no explanation for how any of this second searching of the device will produce any evidence related to the charges of murder and child cruelty in the second degree.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0634

The application for this warrant seeks to search a Google Chomecast device seized from Defendant's residence for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and *second*-degree cruelty to children, specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated. Oral testimony admits

that law enforcement has no specific basis for probable cause, as Det. Murphy provides no explanation for how a second searching of the device will produce any evidence related to the charges of murder and child cruelty in the second degree.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0635

The application for this warrant seeks to search a Macbook Pro laptop seized from Defendant's residence for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children, specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was

seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched. No question was asked by the magistrate, not was any oral testimony provided by Det. Murphy as to any basis to believe any of the specified evidence would be located on this device.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0636

The application for this warrant seeks to search a Lenovo ThinkPad T530 seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children, specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by

police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched. No question was asked by the magistrate, not was any oral testimony provided by Det. Murphy as to any basis to believe any of the specified evidence would be located on this device. When asked by the magistrate about the basis for this new search, Det. Murphy responded that they wished to *verify* the truth of statements made by Defendant and his wife. No evidence was offered to even suggest that their statements were false.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0637

The application for this warrant seeks to search an Apple Macbook Pro seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children, specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading

up to and including the incident date, information on life insurance policies and any other information related to this incident.”

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child’s mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant’s employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate’s ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched. No question was asked by the magistrate, not was any oral testimony provided by Det. Murphy as to any basis to believe any of the specified evidence would be located on this device.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0638

The application for this warrant seeks to search an Apple iPad seized from Defendant’s vehicle for forensic examination for evidence “designed for use in,” “intended for use in,” that “has been used in,” or is “tangible evidence of the commission of the crime(s)” of murder and second-degree cruelty to children, specifically “to be searched for information pertaining to finances, credit card debt, business information,

life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident.”

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched. No question was asked by the magistrate, not was any oral testimony provided by Det. Murphy as to any basis to believe any of the specified evidence would be located on this device.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0639

The application for this warrant seeks to search an Apple iPhone seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children, specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched. No question was asked by the magistrate, not was any oral testimony provided by Det. Murphy as to any basis to believe any of the specified evidence would be located on this device. The magistrate comments that finances and other issues might relate to the

investigation, but Det. Murphy provides no response to support any probable cause for that supposition.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0640

The application for this warrant seeks to search Defendant's residence for evidence "to include inspection of the lights in and around the residence ... to determine if there was a need to purchase lightbulbs the afternoon of the incident."

The written application contains information related to surveillance video of the parking lot of Defendant's employment and reports that Defendant bought lightbulbs at lunch on this lunch break.

For reasons unknown to Defendant, this warrant was never executed. Thus, Defendant has no objection to the execution of this search warrant.

14-SW-0641

The application for this warrant seeks to search Home Depot Corporate Headquarters, Human Resources "to obtain Justin Harris's personnel records, to include evidence of life insurance policies, pay stubs and any other paper work pertaining to the investigation

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated. When asked by the

magistrate why these records were needed Det. Murphy could only repeat the information about Defendant addressing burial arrangements and life insurance proceeds with his family members, and then stated that they wanted to look for any personal records and paystubs.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

14-SW-0653

The application for this warrant seeks to search a Sandisk Cruzer Glide 32GB thumb drive seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children; and "all digital and electronically stored data;" specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched. When asked by the magistrate what was believed to be found on this device, Det. Murphy indicated they were looking for email communications, car seat internet searches, and any other information that could be related to this incident. The magistrate commented on the broadness of the last statement but did not question how any of this type of information could be located on a thumb drive. Det. Murphy provided no additional evidence or explanation as to any probable cause to believe any such information would be found on this device.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0654

The application for this warrant seeks to search a My Passport External Hard Drive seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children; and "all digital and electronically stored data;" specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by

police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0655

The application for this warrant seeks to search a Sandisk 2GB SD card seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children; and "all digital and electronically stored data;" specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through

seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0656

The application for this warrant seeks to search a DVD-R seized from Defendant's vehicle for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children; and "all digital and electronically stored data;" specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized via prior search warrant. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0657

The application for this warrant seeks to search Defendant's residence for evidence "to include inspection of the lights in and around the residence ... to determine if there was a need to purchase lightbulbs the afternoon of the incident. Any financial paper work such as banking information credit card information, life insurance policies, business paper work and other related items."

The written application contains information related to surveillance video of the parking lot of Defendant's employment and reports that Defendant bought lightbulbs at lunch on this lunch break.

Although there is no attempt to provide any probable cause to believe that any evidence exists regarding these light bulbs to support the charges then being investigated,

subsequent execution of this warrant proved that in fact Defendant's residence was in need of replacement light bulbs, and his purchase of them had no relation to the alleged charges. Thus, Defendant has no objection to the execution of this search warrant in order to investigate light bulbs.

However, there was no probable cause provided to believe any evidence existed regarding financial documents sought by the application; and there was no attempt to show probable cause that such items existed at that location. While it appears no such searching took place or no such documents were located, Defendant objects to the issuance and execution of this search warrant for such items.

14-SW-0660

The application for this warrant seeks to search an iPhone 5 seized from Defendant for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children; and "all digital and electronically stored data;" specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized previously. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0816

The application for this warrant seeks to search Home Depot Headquarters for a Lenovo ThinkPad T510. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes that Home Depot contacted law enforcement to notify that this device was in storage since March of 2014 but previously issued to Defendant.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

14-SW-0844

The application for this warrant seeks to search a Lenovo ThinkPad T510 seized from Home Depot Headquarters for forensic examination for evidence “designed for use in,” “intended for use in,” that “has been used in,” or is “tangible evidence of the commission of the crime(s)” of murder and second-degree cruelty to children; and “all digital and electronically stored data;” specifically “to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo’s/video’s of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident.”

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child’s mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant’s employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last paragraph notes this device was seized previously. There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate’s ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched. When asked by the magistrate, Det. Murphy admitted that he was not aware of what kind of device this was, but assumed it was a laptop. The magistrate questioned how this device could contain any relevant information since it had been reported to be in storage since March of 2014 at Home Depot Headquarters, to which Det. Murphy responded that *If* Defendant had still been having communication with people on that computer, it would just be three months prior to this incident. No further explanation was given as to how this supported probable cause.

When the magistrate noted that the request for “communications with other people on the days leading up to and including the incident date” was too broad, Det. Murphy conceded that this language could be taken out of the request, and the magistrate removed the authority for such searching from the issued search warrant. Nonetheless, the searching of this device failed to adhere to this restriction imposed by the magistrate. Beyond that limitation, the search warrant issued also failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

15-SW-0040

The application for this warrant seeks to search of Home Depot Headquarters for an Illogic 1GB flash drive and a Sandisk 256 MB silver flash drive. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child’s mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant’s employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last two paragraphs note that Home Depot contacted law enforcement to notify that all of Defendant’s belongings had been boxed up following his arrest and these devices had been seen by Det. Phil Stoddard within that location previously.

The application for this search warrant requests permission to search these devices for evidence “designed for use in,” “intended for use in,” that “has been used in,” or is “tangible evidence of the commission of the crime(s)” of murder and second-degree cruelty to children; and “all digital and electronically stored data;” specifically “to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo’s/video’s of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident.”

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate’s ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

15-SW-0081

The application for this warrant seeks to search a RiData 2GB flash drive. The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child’s mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant’s employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last two paragraphs note that Home Depot contacted law enforcement to notify that all of Defendant’s belongings had been boxed

up following his arrest and these devices had been seen by Det. Phil Stoddard within that location previously.

The application for this search warrant requests permission to search this device with no limitation as to what information is being sought.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.

There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

15-SW-1072

The application for this warrant seeks to search a white iPhone 5 seized from Defendant on June 18, 2014 for forensic examination for evidence "designed for use in," "intended for use in," that "has been used in," or is "tangible evidence of the commission of the crime(s)" of murder and second-degree cruelty to children; and "all digital and electronically stored data;" specifically "to be searched for information pertaining to finances, credit card debt, business information, life insurance, emails/communication regarding child, wife and family issues, photo's/video's of the child to show development, information about car seat searches, searches regarding in car deaths, communications with other people on the days leading up to and including the incident date, information on life insurance policies and any other information related to this incident."

The written application contains two paragraphs setting out the events of June 18, 2014, which led to discovery of the death of Cooper Harris. The third through seventh paragraphs consist of information provided by Defendant when questioned by police. The eighth paragraph sets out statements made by Leanna Harris, the child's

mother. Paragraph nine provides information regarding surveillance video of the parking lot of Defendant's employment. The tenth paragraph alleges Defendant made comments to family members regarding life insurance. The last two paragraphs note this device was seized previously and searched previously but new technology is available and "more evidence *could* be discovered from another search and another examination of the phone." [emphasis added] There is no suggestion that any of this information is unreliable or false.

There is absolutely no attempt to provide any probable cause to believe that any evidence exists to support the charges then being investigated.

There is inaccurate, misleading information provided to the magistrate regarding statements made by Defendant and his wife which interfered with the magistrate's ability to make an informed, neutral decision as to the issuance of this search warrant.


There is absolutely no attempt to provide any probable cause to show that any of the evidence being sought would likely be within the device sought to be searched.

The search warrant issued did not indicate for what purpose or for what evidence this device was to be searched. It also failed to restrict how and where any searching of the device could be done to protect against and prevent the intrusion into constitutionally protected private information within the device.

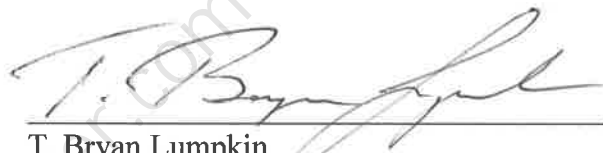
CONCLUSION

For all the reasons set forth above, Defendant prays that the Court inquire into this matter and hold a hearing outside the presence of the jury prior to the time any evidence obtained as a result of this search and seizure is introduced thereto, and Defendant prays that the Court recognize and enforce Defendant's rights and exclude any evidence obtained from Defendant as a result of this illegal search and seizure.

Respectfully submitted this the 4th day of December, 2015.



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State Bar # 417548



T. Bryan Lumpkin
Counsel for Defendant
State Bar # 461024




Carlos Rodriguez
Counsel for Defendant
State Bar # 784163

CERTIFICATE OF SERVICE

I, the undersigned, to hereby certify that I have served a copy of the above DEFENDANT'S MOTION # 4 – AMENDED CONSOLIDATED MOTION TO SUPPRESS on the State of Georgia by hand delivery, by facsimile transmission and/or by affixing proper postage thereto and depositing said matter to the United States Postal Service addressed to:

ADA Chuck Boring, Cobb Judicial Circuit
70 Haynes Street, Third Floor
Marietta GA 30090

Respectfully submitted this the 4TH day of December, 2015.



T. Bryan Lumpkin
Counsel for Defendant
State Bar # 461024

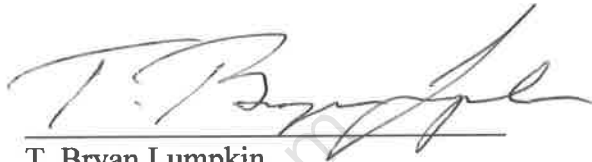
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CERTIFICATE OF SERVICE

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Marietta GA 30090

Respectfully submitted this the 4TH day of December, 2015.



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